

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 4, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

The Mayor read a proclamation declaring February 10-16, 2002 as Human Relations Week.

Jeffrey Elliott of the Human Relations Commission announced the activities planned for Human Relations Week.

Yvonne Dunlap, Chair of the Human Relations Commission, presented Council with the 1999-2001 Annual Report of the Human Relations Commission.

Mayor Bell presented Meredith Kimple with the 2002 MDA Goodwill Ambassador medal.

Council Member Cole-McFadden recognized other members of the Human Relations Commission.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested that an item be added to the agenda concerning an amendment to loan agreement for servicing the Small Business Loan program.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to add an item to the agenda [amendment to loan agreement for servicing the Small Business Loan program] was approved at 7:12 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Bell and Council Member Clement. Absent: None.

Also, the City Manager noted that Items 23 and 24 on the Consent Agenda should be on the General Business Agenda. Relative to Consent Agenda Item #13, the Manager commented on a motion change noting there is no revised towing policy for the Council to adopt at this time. Also, she noted that additional information was distributed for GBA Items 14, 26, 27 and Consent Item #31. Relative to GBA Item #27, she commented on a letter received from Attorney Jack Markham concerning Rezoning Case: P00-71 [Real Estate Associates/Village Creek Commons]. Finally, she acknowledged Assistant City Manager John Pederson for 27 years of service with the City who is leaving to take on responsibilities in Myrtle Beach.

There were no priority items from the City Attorney.

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City Clerk D. Ann Gray swore in Antoinette Renee Wilson as a member of the Passenger Vehicle for Hire Commission.

Council Member Cole-McFadden thanked the manager and administration for an outstanding job in preparing the City Council Retreat and expressed sympathy to Council Member Clement and his family during the loss of his mother-in-law.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items 2, 9, 13 and 31 were pulled. Also, Items 23 and 24 were placed on the General Business Agenda.

Council Member Best noted that he would be abstaining on Consent Agenda Item #30 [2001 Municipal Primary and Municipal City Elections] because his company provided tables and chairs to the Durham County Board of Elections for these elections.

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to approve the Consent Agenda as amended was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: MINUTES FOR APPROVAL – CITY CLERK’S OFFICE

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to approve the official minutes of the December 3, 2001 and December 17, 2001 regular City Council Meetings was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BID REPORT - NOVEMBER 2001

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to approve and record in the minutes the following bids and items displayed that were acted upon by the City Manager during the month of November 2001 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

December 27, 2001

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Navdeep S. Gill, Finance Director

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Kenneth C. Pennoyer, Assistant Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **November 2001**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

1. Bid: Estimated A/R for Sodium Chloride (Snow Salt - 500 tons)

Purpose of Bid: To provide Public Works/Street Maintenance with their annual requirements for snow salt.

Comments:

Opened: October 26, 2001

Bidders:	Morton Salt International	*\$25,475.00
	Chicago, IL	
	Cargill, Inc.	\$25,875.00
	North Olmstead, OH	
	International Salt Co.	\$26,405.00
	Clarks Summit, PA	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	2,354		# Black Males	183	7.77%
Total # Females	361	15.33%	# White Males	1,691	71.83%
Total # Males	1,993	84.66%	# Other Males	119	5.05%
			# Black Females	42	1.78%
			# White Females	298	12.65%
			# Other Females	21	.89%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

2. Bid: Respirator/Gas Detectors Replacement Sensors

Purpose of Bid: To provide Environmental Resources/Plant Maintenance with respirator/gas detector replacement sensors.

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Opened: October 31, 2001

Bidders:	EW2 Environmental	* \$14,991.20
	Charlotte, NC	
	Safeco, Inc.	\$15,560.00
	Raleigh, NC	
	Lab Safety Supply	\$27,513.36
	Janesville, WI	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	8		# Black Males	0	0%
Total # Females	2	25%	# White Males	6	75%
Total # Males	6	75%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	25%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

3. Bid: 9-1-1 Communications/Computer Equipment

Purpose of Bid: Specialized computer hardware for 9-1-1 Backup Center

Comments: Bids were sent to two vendors that specialize in this 9-1-1 computer Hardware and only one bid was received.

Opened: November 1, 2001

Bidders:	Key Services	* \$16,600.00
	Winston-Salem, NC	

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	72		# Black Males	2	3%
Total # Females	18	25%	# White Males	34	47%
Total # Males	54	75%	# Other Males	18	25%
			# Black Females	1	1%
			# White Females	12	17%
			# Other Females	5	7%

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Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

4. Bid: Computerized switch/controller for 9-1-1 equipment

Purpose of Bid: To purchase a computerized switch/controller for 9-1-1 upgrade

Comments: Twin Data Corporation is the only vendor making this controller device compatible with the City's 9-1-1 system.

Opened: November 1, 2001

Bidders: Twin Data Corp. * \$12,200.00
Union, NJ

*Awarded based on: _____ Low Bid X Other (See Comments)

**WORKFORCE STATISTICS
CORPORATION STATISTICS**

Total Workforce	7		# Black Males	0	0%
Total # Females	4	57.14%	# White Males	3	42.86%
Total # Males	3	42.86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	57.14%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

5. Bid: H-T-E Bar Code Hardware/Software for Property/Evidence Reporting

Purpose of Bid: To provide Bar Code software for property/evidence reporting.

Comments: H-T-E is the only vendor providing this equipment and training, because it interfaces with the existing H-T-E Mobile Data Solution equipment already in service.

Opened: November 1, 2001

Bidders: H-T-E, Inc. * \$29,884.00
Lake Mary, FL

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*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	507		# Black Males	15	2.95%
Total # Females	237	47%	# White Males	217	42.80%
Total # Males	270	53%	# Other Males	38	7.49%
			# Black Females	16	3.15%
			# White Females	196	38.65%
			# Other Females	25	4.93%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

6. Bid: Aluminum Signs for DATA

Purpose of Bid: To purchase signs for new bus routes

Comments: Bids were sent to several bidders and only one response was received.

Opened: October 31, 2001

Bidders: Horne Corp. * \$12,250.00
Rock Hill, SC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	25		# Black Males	8	32%
Total # Females	12	48%	# White Males	5	20%
Total # Males	13	52%	# Other Males	0	0%
			# Black Females	7	25%
			# White Females	5	20%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

7. Bid: Wireless Network Solution at the new Property & Facilities Management Facility

Purpose of Bid: To receive proposals for a wireless data network in place of hard-wired data networks the City currently uses.

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Comments:

Opened: November 1, 2001

Bidders:	ProNet, Inc.	* \$15,859.55
	Raleigh, NC	
	Verizon South	\$24,781.51
	RTP, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	10		# Black Males	0	0%
Total # Females	1	10%	# White Males	8	80%
Total # Males	9	90%	# Other Males	1	10%
			# Black Females	0	0%
			# White Females	1	10%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

8. Bid: Exercise/Fitness Equipment for Police Physical Training

Purpose of Bid: To provide new exercise/fitness equipment for the Police Department

Opened: November 7, 2001

Bidders:	U.S. Fitness Products	* \$29,995.00
	Raleigh, NC	
	Superior Fitness Systems	\$32,821.38
	Kernersville, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	14		# Black Males	1	7.1%
Total # Females	2	14.2%	# White Males	11	78.7%
Total # Males	12	85.8%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	7.1%
			# Other Females	1	7.1%

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LOCATION OF PERFORMING CONTRACT
Raleigh, N.C.

Total Workforce	12		# Black Males	1	8.3%
Total # Females	2	16.7%	# White Males	9	75.1%
Total # Males	10	83.3%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	8.3%
			# Other Females	1	8.3%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

9. Bid: Lead Paint Analyzer

Purpose of Bid: To provide the Housing Department with a lead paint analyzer to be used in the lead paint abatement program.

Comments: Bids were solicited from several bidders and only one response was received.

Opened: November 2, 2001

Bidders: Niton Corporation * \$ 15,595.00
Billerica, MA

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	58		# Black Males	1	1%
Total # Females	20	34%	# White Males	37	65%
Total # Males	38	66%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	20	34%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

10. Bid: City of Durham Calendar 2002

Purpose of Bid: To print the City of Durham calendar for the City Manager/Public Information Office.

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Comments: The Public Information Office reviewed and evaluated the bids.

Opened: November 26, 2001

Bidders:	Theo Davis	*\$24,957.95
	Zebulon, NC	
	Progressive Business Solutions	\$28,260.00
	Raleigh, NC	
	Universal Printing	\$31,302.66
	Durham, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	38		# Black Males	4	10.15%
Total # Females	11	28.94%	# White Males	23	61.00%
Total # Males	27	71.05%	# Other Males	0	0%
			# Black Females	2	5.25%
			# White Females	8	21.00%
			# Other Females	1	2.60%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

11. Bid: Used 2 Drum Roller

Purpose of Bid: To provide the Street Maintenance Division with a used roller to be used in their street maintenance operations.

Comments:

Opened: November 29, 2001

Bidders:	Neff Rental	* \$21,500.00
	Durham, NC	
	Mitchell Distributing	\$22,651.00
	Raleigh, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	1155	# Black Males	254	22%
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Total # Females	184	16%	# White Males	654	57%
Total # Males	971	84%	# Other Males	63	5%
			# Black Females	43	3%
			# White Females	123	11%
			# Other Females	18	2%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

13. Bid: 45 PTO HP Utility Tractor

Purpose of Bid: To provide Environmental Resources/Plant Engineering & Maintenance Division with a Utility Tractor.

Comments:

Opened: November 29, 2001

Bidders:	Barnhill Equipment Company	* \$23,813.60
	Durham, NC	
	Senter Tractor Company	\$27,230.00
	Raleigh, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	11		# Black Males	0	0%
Total # Females	1	9%	# White Males	10	91%
Total # Males	10	91%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	9%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

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**SUBJECT: CONTRACT EXTENSION - ESTIMATED ANNUAL REQUIREMENTS
FOR LIQUID ALUMINUM SULFATE - GENERAL CHEMICAL
CORPORATION**

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to extend the bid from General Chemical Corporation in the amount of \$288,000 for furnishing the City with its estimated annual requirement for liquid aluminum sulfate; and

To authorize the City Manager to extend the contract with General Chemical Corporation in the amount of \$288,000 for furnishing the City with its estimated annual requirement for liquid aluminum sulfate; and

To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and that they are consistent with the general intent of the existing version of the contract was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: FLEET MAINTENANCE INFORMATION SOFTWARE SYSTEM BID -
CCG SYSTEMS, INC.**

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to accept the bid from CCG Systems, Inc. in the amount of \$129,075 for providing the City of Durham with a Fleet Maintenance Information Software System; and

To authorize the City Manager to enter into a contract with CCG Systems, Inc. in the amount of \$129,075 for providing the City of Durham with a Fleet Maintenance Information Software System; and

To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and that they are consistent with the general intent of the existing version of the contract was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PURCHASE OF WHEELCHAIR LIFT VANS - BRAUN CORPORATION

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to authorize the City Manager to enter into a contract with the Braun Corporation in the amount of \$506,907 for providing the City of Durham with fifteen wheelchair lift vans; and

To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and that they are consistent with the general intent of the existing version of the contract was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: AMENDMENT TO WATER CONSERVATION

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to receive a report on the status of Durham's water supply; and

To adopt an amendment to the Water Conservation Ordinance establishing water reduction goals in conservation stages was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12503

SUBJECT: SEWER REIMBURSEMENT POLICY

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to adopt "An Ordinance Amending Chapter 23 of the Durham City Code to authorize the City to Enter into Contracts for Reimbursement of Certain Public Sanitary Sewer Facilities and to Require Payments by Future Developers of Proportionate Costs of Such Facilities as a Precondition of Connection" was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12501

SUBJECT: EMERGENCY SNOW AND ICE REMOVAL - EARTH REFORMERS, INC. - RIFENBURG CONSTRUCTION, INC.

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to authorize the City Manager to enter into a contract with Earth Reformers, Inc. in the amount of \$54,228 and Rifenburg Construction, Inc. in the amount of \$131,205 for a total amount of \$185,433 for Emergency Snow and Ice removal from January 2, 2002 through January 5, 2002 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 2001-02 BUDGET ORDINANCE AMENDMENT #8 – CARRY FORWARD ITEMS

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to adopt an ordinance amending the FY 2001-02 City of Durham Budget Ordinance by an increase of \$9,111,329.70 from \$253,815,099.00 to \$262,926,428.70, the same being Ordinance 12336, concerning carrying forward revenues and appropriations for encumbrances for FY 2000-01 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and

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Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12502

SUBJECT: LOADING/UNLOADING ZONE - TICON PROPERTIES

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to receive a report from the administration regarding a loading and unloading zone in front of a property owned by Ticon Properties was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM HOUSING AUTHORITY REQUEST FOR REDEVELOPMENT DESIGNATION (GOLDEN BELT SITE)

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to receive a report from the Durham Housing Authority and City Administration regarding a request from Durham Housing Authority for Redevelopment Designation for Golden Belt Site; and

To adopt a "Resolution Designating The Housing Authority of The City of Durham To Exercise The Powers, Duties, And Responsibilities of A Redevelopment Commission For The Golden Belt Site" was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8830

SUBJECT: SETTING A PUBLIC HEARING - FISCAL YEAR 2002-2003 CONSOLIDATED ACTION PLAN NEEDS

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to set the date for a public hearing to be held on February 18, 2002 regarding the Fiscal Year 2002-2003 Consolidated Action Plan Needs was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DOWNTOWN LOAN POOL

*The item regarding the Downtown Loan Pool was **removed** from the agenda at the January 24, 2002 Work Session.*

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SUBJECT: DURHAM HUMAN RELATIONS COMMISSION - BI-ANNUAL REPORT

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to receive a bi-annual report from the Durham Human Relations Commission at the February 4, 2002 City Council Meeting was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STREET CLOSING CASE: SC01-3 ORDER PERMANENTLY CLOSING A PORTION OF RONEY STREET

*The item regarding the Street Closing Case: SC01-3- Order Permanently Closing a Portion of Roney Street was **removed** from the agenda at the January 24, 2002 Work Session.*

SUBJECT: PROPOSED EASEMENT TO DUKE POWER WITHIN CLOSED PORTION OF RONEY STREET – STREET CLOSING CASE # SC01-3 – DURHAM CENTRAL PARK PROJECT

*The item regarding the Proposed Easement to Duke Power within Closed Portion of Roney Street- Street Closing Case # SC01-3- Durham Central Park Project was **removed** from the agenda at the January 24, 2002 Work Session.*

SUBJECT: JOHN H. HUNTER, JR. – ZONING CONCERNS

Comments were heard from John H. Hunter, Jr. regarding zoning districts at the January 24, 2002 Work Session.

SUBJECT: 9-1-1 BACK-UP FACILITY

The item regarding the 9-1-1 Back-Up Facility was removed from the agenda at the January 24, 2002 Work Session.

SUBJECT: INITIAL ZONING POLICY

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to adopt a “Resolution Designating a Policy for Handling the Initial Zoning of Newly Annexed Territory” was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8831

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**SUBJECT: 2001 MUNICIPAL PRIMARY AND MUNICIPAL CITY ELECTIONS –
COUNTY OF DURHAM BOARD OF ELECTIONS**

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to authorize payment in the amount of \$151,514.69 to the County of Durham Board of Elections for the City of Durham 2001 Municipal Primary and Municipal City Elections was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Council Member Best. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: BEER & WINE PERMIT AND LICENSE

To approve Beer and Wine Licenses for the listed establishments.

Victoria Peterson, of P. O. Box 101, raised a concern about the number of stores allowed to sell beer and wine.

City Attorney Henry Blinder made comments noting that the City Council has a limited role in these matters and the ABC Board has the primary authority.

Council Member Clement expressed concern about approving a new license for Kerr Drugs #434 located at 710 Fayetteville Street asking about the basis for granting them a license.

A motion was made by Council Member Clement to direct the City Manager to communicate with the ABC Board to determine what was the criteria used to grant Kerr Drugs #434 located at 710 Fayetteville Street a new license and to delete this establishment from the list pending receipt of additional information setting forth the criteria.

Mayor Pro Tempore Cheek noted he would second the motion if Council Member Clement would accept his friendly amendment to defer action on the license for Kerr Drugs #434 until information concerning criteria is provided.

Council Member Clement accepted the friendly amendment.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to direct the City Manager to communicate with the ABC Board to determine what was the criteria used to grant Kerr Drugs #434 located at 710 Fayetteville Street a new license; and

To defer action on the license for Kerr Drugs #434 located at 710 Fayetteville Street until information is provided setting forth the criteria was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Edwards to approve Beer and Wine Licenses for the listed establishments was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

City of Durham, North Carolina

Treasury Division

License Data Sheet 11/05/01

<u>Name</u>	<u>Address</u>	<u>Contact</u>	<u>Classification</u>	<u>New/ Renewal</u>	<u>Date of Application</u>
Amoco Food Shop	1002N Alston Ave.	Ayman Abazid	Convenience Mart	Renewal	7/1/2001
Bekee Food Store	1302 Fay St.	Stevie Ikechukwu	Convenience Mart	Renewal	8/1/2001
Fast Fare NC 567	1001 S Miami Blvd.	Felix Asabor	Convenience Mart	Renewal	10/5/2001
Fast Food Mart #3	2106 Broad Street	Abdelhakeem Saleh	Convenience Mart	New	5/31/2001
Fowler's Food Store	112 S. Duke Street	Dan Farris	Convenience Mart	Renewal	7/1/2001
Handi Foods	518 E Trinity	Evelyn Evans	Convenience Mart	Renewal	7/10/2001
Holloway St. Foodmart	1026 Holloway St	Peter Kagwanja	Convenience Mart	Renewal	6/29/2001
Johnny's Food Land	5606 Old Hillsborough	John Gibson	Convenience Mart	Renewal	5/30/2001
KTBP	1251 University Drive	Karuna Goli	Convenience Mart	New	8/16/2001
Kwik Stop Food Mart	1600 Holloway St.	Ali Lutsi Saleh	Convenience Mart	Renewal	8/23/2001
Lighthouse Foodmart	2944 Holloway	Peter Kagwanja	Convenience Mart	Renewal	6/29/2001
M & M Mini Mart	614 Lakeland Street	Husam Mustafa	Convenience Mart	Renewal	8/30/2001
Malley's Place	2714 Chapel Hill Blvd	Simin Rafizadeh	Convenience Mart	Renewal	6/26/2001
Massey's Grocery	4430 Fayetteville	Lloyd Massey	Convenience Mart	Renewal	6/11/2001
One Hop Food Mart	370 Old Oxford Road	Earl M Evans Sr.	Convenience Mart	Renewal	8/24/2001
Sam's Quik Shop	1605 Erwin Rd	Geraldine Boy	Convenience Mart	Renewal	9/17/2001
Town Deli	1423 E. Club Blvd	Mohamed Zubaidi	Convenience Mart	Renewal	8/1/2001
Uncle Harry's	1917 Yearby St	Daniel Fitzgerald	Convenience Mart	Renewal	4/6/2001
University Market	901 Chalk Level Road	Ali Alsaras	Convenience Mart	Renewal	6/27/2001
Walkers Grocery	1003 ½ Morehead	Frank Walker	Convenience Mart	Renewal	7/4/2001
World Market	1515 North Pointe Drive	Albert Markham	Convenience Mart	Renewal	10/25/2001
AMF Bowling Centers	4508 Chapel Hill Blvd	Darryl Brunson	Other	Renewal	8/1/2001
Boxers	308 West Main St.	J Kennedy	Other	Renewal	9/30/2001
Creative Concessions	400 Morris Street	Pete Bock	Other	New	9/18/2001
Duke University Museum of Art	Trinity Buchanan Blvd.	Barbara Stokes	Other	New	8/23/2001
Executive Club	117 W Main Street	Aiden Jackson	Other	Renewal	7/9/2001
Fuzee's	3112 N Roxboro	Robert Johnson	Other	Renewal	7/1/2001
Golf Shop	1600 Hillandale Road	Zack Veasey	Other	Renewal	8/30/2001
Homewood Suites	4603 Central Park Drive	Kanu Patel	Other	Renewal	8/30/2001
Level Edge	108 Morris Street	C Verbet	Other	Renewal	8/29/2001
Marriott (Research Triangle)	4700 Guardian Drive	Ed Book	Other	Renewal	8/29/2001
Ray's Elbow Room	4206 HWY 55	James Mills	Other	New	9/5/2001
Rea Recreation / Village Bowling	330 Hardee Street	Joe Jernigan	Other	New	9/12/2001
Residence Inn by Marriott	201 Residence Inn Blvd.	George Muriel	Other	Renewal	9/11/2001
Savory Fare	908 W Main St.	Gary Wein	Other	Renewal	3/14/2001

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Teasers Palace	315 West Main Street	James Kennedy	Other	Renewal	9/20/2001
Another Thyme Restaurant	109 N Gregson	Mary Bacon	Restaurant	New	10/16/2001
Blue Express	Duke University	Hana Farres	Restaurant	Renewal	8/1/2001
Brigs at the Park	4900 HWY 55	Kevin Lail	Restaurant	Renewal	7/12/2001
Bull City Subs	914 W Main Street	Bruce Rochelle	Restaurant	Renewal	9/7/2001
<u>Name</u>	<u>Address</u>	<u>Contact</u>	<u>Classification</u>	<u>New/ Renewal</u>	<u>Date of Application</u>
Café Momo	4711 Hope Valley Road	Areatha Mendenhall	Restaurant	Renewal	8/27/2001
Catering By George	2311 Curtis St.	George Covington	Restaurant	Renewal	7/1/2001
China One	4325 HWY 55	Emily Li	Restaurant	Renewal	5/15/2001
Chino Latino Restaurant	2900 Holloway St	Alberto Canuto	Restaurant	Renewal	7/1/2001
Domino's Pizza	2617 Chapel Hill Blvd	Alan Tyndall	Restaurant	Renewal	8/30/2001
Down Under Pub	802 W. Main St.	Frank Lynn	Restaurant	Renewal	8/1/2001
Duke University	West Union Bldg	Barbara Stokes	Restaurant	Renewal	6/7/2001
Duke University Bryan Center	Bryan Center, Union Dr.	Barbara Stokes	Restaurant	Renewal	6/7/2001
Duke University East Campus	060 East Union Bldg.	Barbara Stokes	Restaurant	Renewal	6/7/2001
Durham Pizza Restaurant	4707 Hillsborough	Gemila Ramadanovic	Restaurant	New	8/29/2001
Eastern Lights	4215 University Drive	Li Chuan Chao	Restaurant	New	8/29/2001
El Compadre	2107 N Roxboro	Leonardo Molina	Restaurant	Renewal	9/30/2001
El Dorado	4900 HWY 55	Oscar Martinez	Restaurant	Renewal	9/10/2001
Fortune Garden	5410-Y Highway 55	Ratana Hui	Restaurant	New	9/12/2001
Fuddruckers	1809 MLK Parkway	Eric Bouchard	Restaurant	Renewal	8/30/2001
Greenhouse Café	2300 Chapel Hill Rd.	Linda Steiner	Restaurant	New	7/12/2001
Grill 55	2601 Apex HWY	Linda Roberts	Restaurant	Renewal	8/1/2001
Jacarmda's	5410 HWY 55	Rosalia Vieni	Restaurant	Renewal	7/1/2001
Jamaica Jamaica	4853 S Apex Highway	Fernando Rainford	Restaurant	New	10/30/2001
Jump Shot Billiards	3405-E Hillsborough	Zack Chahine	Restaurant	Renewal	5/1/2001
Kurama	3644 Chapel Hill Blvd	Masoe Scarborough	Restaurant	New	9/30/2001
La Fondita	2000 Avondale Dr.	Jose Molina	Restaurant	Renewal	9/7/2001
Latin American Food	2502 Holloway	Maria Zambrano	Restaurant	Renewal	8/31/2001
Lone Star Steakhouse	3630 East Douglas	Shawn Young	Restaurant	Renewal	8/29/2001
Mayflower Restaurant	3742 Chapel Hill Blvd.	Fu-Sum Chao	Restaurant	Renewal	8/27/2001
MI Pequeno Honduras	2201 N Roxboro	2201 N Roxboro	Restaurant	Renewal	8/1/2001
Pan Pan	1810 Hillandale Rd.	Aubrey Foster	Restaurant	New	9/4/2001
Pizza Inn	3648 Chapel Hill Blvd.	Edward Jang	Restaurant	Renewal	8/1/2001
Pizza Palace	2002 Hillsborough	Doris Rodenhizer	Restaurant	Renewal	7/12/2001
Rudinos Pizza & Grinders	202 NC HWY 54	Terry Rudd	Restaurant	New	9/4/2001
Rudinos Pizza & Grinders	4911 Central Park Lane	Terry Rudd	Restaurant	New	9/13/2001
Satisfaction Restaurant	905 W Main Street	Patrick Jaques	Restaurant	Renewal	5/31/2001
Shiki Sushi	207 West NC 54 Hwy	Hoa Ngyen	Restaurant	New	8/31/2001
Shooters II	827 W Morgan Street	Kim Cates	Restaurant	Renewal	8/6/2001
Shor Szechuan	2105 East HWY 54	Tony Kwai-Tong	Restaurant	Renewal	8/30/2001
Talk of the Town	108 East Main Street	Audrey Sellers	Restaurant	Renewal	6/19/2001
Taqueria La Frontera Express	748 Ninth Street	Oscar Martinez	Restaurant	Renewal	9/9/2001
The Golf Center (Swings and Things)	4343 Garrett Road	David Welsh	Restaurant	Renewal	10/11/2001
Torreros Mexican Restaurant	4125 Chapel Hill Blvd	Ruben Garcia	Restaurant	New	9/7/2001

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Town N Country	3321 Apex HWY	Earl Pickett	Restaurant	Renewal	8/1/2001
Town N Country	2700 Fayetteville St.	Earl Pickett	Restaurant	Renewal	8/1/2001
Town N Country	3101 University Drive	Earl Pickett	Restaurant	Renewal	8/1/2001
Town N Country	1423 E Club Blvd	Mohamed Zubaidi	Restaurant	Renewal	8/24/2001
Yamoto	108 E Main St.	Hoa Ngyen	Restaurant	Renewal	7/1/2001

<u>Name</u>	<u>Address</u>	<u>Contact</u>	<u>Classification</u>	<u>New/ Renewal</u>	<u>Date of Application</u>
Yancey's Jazz & Blues Café	115 N Duke Street	Greg Dent	Restaurant	New	10/9/2001
BP 262	4525 Chapel Hill Blvd.	ML Barnes	Service Station	New	8/24/2001
Garret Road BP	4525 Chapel Hill Blvd.	M.L. Barnes	Service Station	Renewal	8/1/2001
Guess Road Texaco	2601 Guess Road	Elizabeth Stepp	Service Station	New	8/29/2001
Kicks 66	109 West NC 54	Mr. Phillips	Service Station	Renewal	9/10/2001
Philips Petroleum	2201 N Roxboro	2201 N Roxboro	Service Station	Renewal	9/30/2001

SUBJECT: LEAD-BASED PAINT ABATEMENT GRANT - HUD GRANT: NCLHR 117-98

To adopt a grant project ordinance amending Project Ordinance No. 11657 - US Department of Housing and Urban Development Lead-Based Paint Hazard Control Program- extending the time period from March 1, 2002 through February 28, 2003.

Victoria Peterson, of P. O. Box 101, asked the administration what is the total amount of the grant.

City Manager Conner replied \$2.4 million with a required match of 897,000 from the City.

Charlene Montford, Director of Housing & Community Development, commented on the amount from the Housing Bond Rehabilitation Program and in-kind services.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a grant project ordinance amending Project Ordinance No. 11657 - US Department of Housing and Urban Development Lead-Based Paint Hazard Control Program- extending the time period from March 1, 2002 through February 28, 2003 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12500

SUBJECT: CITY OF DURHAM'S TOWING POLICY

To receive a report on the City's towing policy.

To adopt the revised towing policy for the City of Durham.

Earlier in the meeting, City Manager Conner noted that there was no revised towing policy to be adopted tonight and requested that the second motion be deleted.

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Robert Ross, Lisa Mangum and Lee Gardner requested Council to establish a separate subcommittee to address concerns of the towing industry.

Council Member Clement spoke in support of a separate subcommittee to deal with these issues.

Mayor Bell appointed the following Council Members to serve on the Towing Subcommittee: Council Members Clement, Cole-McFadden and Best. The Mayor appointed Council Member Clement as chair.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to receive a report on the City's towing policy was approved at 7:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LIGGETT DEVELOPMENTAL PROJECT

To adopt the Resolution Exempting the Liggett Tobacco Parking Garage Project from G.S. 143-64.31.

Council held discussion on the implication of the exemption and minority participation.

City Manager Conner noted the City will need to negotiate the level of participation.

Relative to minority participation, Council Member Cole-McFadden noted the rest of the project should be an open process.

Victoria Peterson, of P. O. Box 101, raised a concern about projects not having a dollar amount attached to them. Also, she requested how much is the total project.

Mayor Bell noted the amount of money for this project has not been determined because the City is still in the negotiating stage.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt the Resolution Exempting the Liggett Tobacco Parking Garage Project from G.S. 143-64.31 was approved at 8:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8832

[ITEM ADDED TO AGENDA]

SUBJECT: AMENDMENT TO AGREEMENT - LOAN SERVICING FOR SMALL BUSINESS LOAN PROGRAM, MUTUAL COMMUNITY SAVINGS BANK, INC. SSB

February 4, 2002

To adopt a Resolution amending the Authorization of the Execution of the Small Business Loan Program Servicing Agreement with the Mutual Community Savings Bank, Inc., SSB.

Mayor Bell requested to be excused from discussion on this matter.

City Manager Conner made a correction to the resolution noting the date should read December 17, 2001 rather than December 17, 2000 and made comments about the change to the agreement.

Council held discussion on the amendment and repackaging of loans.

Victoria Peterson, of P. O. Box 101, raised a concern about the investigation of loans and the criminal report that has not been completed by the DA's Office.

MOTION by Council Member Edwards seconded by Council Member Cole-McFadden to adopt a Resolution amending the Authorization of the Execution of the Small Business Loan Program Servicing Agreement with the Mutual Community Savings Bank, Inc., SSB as amended was approved at 8:07 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Bell and Council Member Clement. Absent: None.

Resolution #8833

[GENERAL BUSINESS AGENDA]

SUBJECT: BID REPORT- DECEMBER 2001

To approve and record in the minutes bids and items displayed in the attachments that were acted upon by the City Manager during the month of December 2001.

Council Member Clement raised a concern about the workforce statistics for Greer Lime who was awarded a bid to provide hydrated lime to control wastewater odor.

Sharon Laisure, Acting Assistant City Manager, noted it is illegal in the State of North Carolina to mandate that business concerns actually meet demographics in terms of goals of participation.

Council Member Cole-McFadden noted the M/WBE Council Subcommittee will be reviewing the issue of workforce statistics at its next meeting.

A motion was made by Council Member Cole-McFadden to defer this item until the M/WBE Council Subcommittee has had an opportunity to discuss the concerns regarding workforce statistics at its next meeting. [Motion did not receive a second].

City Manager Conner noted the bid was approved back in December and Council is ratifying that action.

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Council Member Clement raised a concern as to why this matter is before Council since the City Manager has authority to approve bids without Council intervention.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to approve and record in the minutes the following bids and items displayed that were acted upon by the City Manager during the month of December 2001; and

To refer the concerns regarding workforce statistics to the M/WBE Council Subcommittee for review was approved at 8:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

CITY OF DURHAM NORTH CAROLINA

December 20, 2001

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Navdeep S. Gill, Finance Director
Kenneth C. Pennoyer, Assistant Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **December 2001**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

1. Bid: Three Used Administrative Vehicles

Purpose of Bid: To provide the Police Department with three used vehicles.

Comments: The funding source is a Controlled Substance Tax Grant.

Opened: December 3, 2001

Bidders:	University Ford	*\$38,367.00
	Durham, NC	
	Hertz Car Sales	\$44,985.00
	Raleigh, NC	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

February 4, 2002

Total Workforce	230		# Black Males	28	12%
Total # Females	35	15%	# White Males	165	71%
Total # Males	195	85%	# Other Males	2	1%
			# Black Females	5	2%
			# White Females	29	13%
			# Other Females	1	1%

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

2. Bid: Estimated Annual Requirements for Hydrated Lime

Purpose of Bid: To provide the Environmental Resources Wastewater Treatment Facilities with hydrated lime to control wastewater odor.

Comments:

Opened: November 28, 2001

Bidders:	Greer Lime	*\$48,666.00
	Morgantown, WVA	
	Chemical Lime Company	\$48,982.00
	Ripplemead, VA	
	Harcros Chemicals	\$57,210.00
	Thomasville, NC	
	Brenntag Southeast	\$77,077.36
	Durham, NC	

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	53		# Black Males	0	00%
Total # Females	8	15%	# White Males	45	85%
Total # Males	45	85%	# Other Males	0	00%
			# Black Females	0	00%
			# White Females	6	12%
			# Other Females	2	03%

Performance Bond: _____ Waived ☒ Not Waived _____ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

3. Bid: Installation of Traffic Signal at MLK and South Roxboro Street

Purpose of Bid:

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Comments: Bids were mailed to several vendors and only one response was received.

Opened: November 29, 2001

Bidders: Classic Electrical Contractors, Inc. *\$76,950.00
Fayetteville, NC

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Classic Electrical Contractors, Inc., of Fayetteville, NC and have determined that they are in compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBE firms in the database to provide this product.

The workforce statistics for Classic Electrical Contractors, Inc. are as follows:

	2001	
Total Workforce	4	100%
Total # of Females	0	0%
Total # of Males	4	100%
Total # of Black Males	0	0%
Total # of White Males	4	100%
Total # of Other Males	0	0%
Total # of Black Females	0	0%
Total # of White Females	0	0%
Total # of Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

4. Bid: Estimated Annual Requirements for Ammonium Hydroxide

Purpose of Bid: To provide Environmental Resources with the annual requirements for Ammonium Hydroxide.

Comments: This chemical is used in the drinking water treatment process. The low bid is considered non-responsive due to not bidding on all items.

Opened: December 10, 2001

Bidders: Tanner Industries, Inc. (non-responsive) \$11,843.55
Southampton, PA
Brenntag Southeast, Inc. *\$13,025.26
Durham, NC

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	109		# Black Males	48	44%
Total # Females	30	48%	# White Males	31	28%
Total # Males	79	52%	# Other Males	1	01%
			# Black Females	2	01%
			# White Females	28	26%
			# Other Females	0	00%

Performance Bond: ☐ Waived ☒ Not Waived ☐ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

5. Bid: Cushion Tire Lift Truck

Purpose of Bid: To provide the Environmental Resources Department with a Cushion Tire Lift Truck to be used at the Williams Water Treatment Plant.

Comments: The unit being bid by the Rental Service Corporation did not meet specifications. The unit was too tall and would not be operable in some areas of the Williams Water Treatment Plant.

Opened: December 13, 2001

Bidders:	Rental Service Corp. (does not meet specifications)	\$14,941.93
	Durham, NC	
	Dougherty Equipment Company	* \$15,037.00
	Raleigh, NC	

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	431		# Black Males	8	2.0%
Total # Females	62	14%	# White Males	350	81%
Total # Males	369	86%	# Other Males	11	3%
			# Black Females	5	1.2%
			# White Females	54	12%
			# Other Females	3	0.8%

Performance Bond: ☐ Waived ☒ Not Waived ☐ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

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JWC:lm

**SUBJECT: TRAFFIC AND MAINTENANCE CONCERNS IN COMMUNITY –
LEVERN HARPER – SOUTH ALSTON AVENUE AND RIDDLE ROAD**

To receive a report from the administration in response to various traffic and maintenance concerns raised by LeVern Harper; and

To place a traffic signal at the intersection of South Alston Avenue and Riddle Road.

Katie Kalb, Public Works Director, made comments on additional information provided to Council regarding the accident dates and times and the traffic count dates.

Council Member Cole-McFadden noted something needs to be done at this dangerous intersection and noted traffic counts need to be done on the weekends and the evenings.

LaVern Harper, of 1828 Collier Road, read a letter dated January 31, 2001 to Council Member Clement outlining concerns expressed by the community such as a stoplight being installed at Riddle Road and S. Alston Avenue; install a second sound wall behind Collier Estate on Briggs Avenue; S. Alston Avenue is resurfaced from Highway 55 to Sedwick Avenue; Chicago Street is paved from Collier Drive to Chenault Street and drains in Collier Estate are cleaned and debris is removed.

John Pegram, of 1707 Collier Drive, expressed a concern about the traffic in the area.

Victoria Peterson, of P. O. Box 101, raised a concern about new traffic lights not working properly at the following locations: Alston Avenue at the freeway, Alston Avenue and Linwood and Fayetteville Street exit at the Freeway.

Council Member Edwards asked the administration to take a look at the timing of the lights.

LaVonnia Allison asked for clarification on getting a response to Mr. Harper's concerns.

Mayor Pro Tempore Cheek noted these concerns were heard and considered at a Council Work Session. Mayor Pro Tempore Cheek expressed a concern noting he is not sure the traffic signal is really the answer to the problem based on the study.

Council Member Best raised a concern about the traffic light and asked the administration what would be their recommendation other than the 4-way stop.

Katie Kalb, Public Works Director, noted the next step would be a roundabout.

Council Member Edwards noted that a traffic light costs \$50,000 with an annual maintenance of \$1,200. She asked the administration about the cost for a roundabout.

Katie Kalb noted \$60,000.00 with estimated annual maintenance of \$500.

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Council Member Best noted that he will be voting against this item due to staff's recommendation and the installation of a traffic signal would make the situation worst.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive a report from the administration in response to various traffic and maintenance concerns raised by LeVern Harper; and

To place a traffic signal at the intersection of South Alston Avenue and Riddle Road was approved at 8:46 p.m. by the following vote: Ayes: Mayor Bell and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: Mayor Pro Tempore Cheek and Council Member Best. Absent: None.

SUBJECT: STREET CLOSING CASE: SC01-3 - DURHAM CENTRAL PARK - CITY OF DURHAM

Street Closing Case: SC01-3 - City of Durham; Durham Central Park

Initiated by: City of Durham

Location: Map 0821, Page 23: D-2

Request: The proposal is to close approximately 309 +/- linear feet of Roney Street. Lots the City owns abutting both sides of the right-of-way to be closed will be combined with the closed right-of-way into one parcel. This parcel is included in the planned Durham Central Park.

To hold a public hearing on **February 4, 2002**, to consider permanently closing 309 +/- linear feet (.35+/- acre) of Roney Street.

Due to discrepancies relating to this item, Dick Hails, Acting City/County Planning Director, requested that the public hearing not be opened but to defer this item for 30 to 60 days.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to defer this item for 30 to 60 days was approved at 8:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CASE: PLAN AMENDMENT A01-14 - R. L. HORVATH & ASSOCIATES - THE INTERSECTION OF US 70 AND MINERAL SPRINGS ROAD, LOCATED ON THE NORTH SIDE OF US 70 AND THE EAST SIDE OF MINERAL SPRINGS ROAD.

Case: Plan Amendment A01-14 (**Continued from January 22, 2002**)

Applicant: R. L. Horvath & Associates

Request: Change to a portion of the Southeast Durham Small Area Plan from an Office and High Density Land Use Designation to a Commercial Land Use Designation.

Location: The intersection of US 70 and Mineral Springs Road, located on the north side of US 70 and the east side of Mineral Springs Road.

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To adopt the "City Council Resolution Amending South East Small Area Plan, Case A01-14.

Planning Commission Recommendation and Vote: Denial [9-2]

Planning Department Recommendation: Denial

Dick Hails, Acting City/County Planning Director, noted the applicant requested that the public hearing be continued for 60 days. He noted that staff recommends that the public hearing be continued without further advertising.

Mayor Bell declared the public hearing open.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing on Plan Amendment A01-14 until the April 1, 2002 City Council Meeting without further advertising was approved at 8:48 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING CASE P00-71 - REAL ESTATE ASSOCIATES - 44.43 ACRES
ON THE NORTH SIDE OF US 70, EAST OF SANDERS AVENUE**

Rezoning Case P00-71 (**Continued from January 22, 2002**)

Applicant: Real Estate Associates

Location: 44.43 acres on the north side of US 70, east of Sanders Avenue.

One parcel and portions of two others identified as: 0759-01-09-0275, 0759-01-19-9198 (partial); and 0850-03-01-7009 (partial), corresponding to Tax Map 655-02-003; Tax Map 654-01-025 (partial) and Tax Map 655-01-005 (partial).

Request: Rezoning from SC (Shopping Center District), OI-2 (General Office and Institutional District) and R-20 (Residential 20 District) to SC (D) (Shopping Center District with Development Plan), OI-2 (D) (General Office and Institutional District with Development Plan); (F/J-B) (Falls/Jordan Protected Area) watershed protection overlay area

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of SC, OI-2, and R-20 and placing same in and establishing same as SC (D) and OI-2 (D), F/J-B.

Zoning Committee Recommendation and Vote: Denial – (7-0)

Planning Department Recommendation: Denial

Dick Hails, Acting City/County Planning Director, noted the applicant requested that the public hearing be continued for 60 days. He noted that staff recommends that the public hearing be continued without further advertising.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing on Rezoning Case P00-71 until the April 1, 2002 City Council Meeting without

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further advertising was approved at 8:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[Earlier in the meeting, the City Manager noted the following Consent Items should have been placed on the General Business Agenda instead of the Consent Agenda]

SUBJECT: ASSESSMENT- CURB, GUTTER AND PAVING- EBON ROAD FROM BARBEE ROAD TO GRUNDY STREET (MINI ASSESSMENT ROLL)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to find that the property of Walter T. Blackwell, identified as Tax Map 517-4-7B, Ebon Road, Lots 16 (A&B) and 17B, vacant, has benefited from the curb, gutter and paving improvement and to confirm the assessment in the amount of \$750 (partial relief granted in accordance with City policy); and

To find that the property of Nathaniel L. and Geraldine Thompson, identified as Tax Map 517-3-4C, Ebon Road, Lots 19A, vacant, has benefited from the curb, gutter and paving improvement and to confirm the assessment in the amount of \$250 (partial relief granted in accordance with City policy) was approved at 8:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ASSESSMENT - WATER AND SEWER LATERALS - ORINDO DRIVE FROM BARBEE ROAD EAST TO EAST PROPERTY LINE OF TAX MAP 553-4-19 (MINI ASSESSMENT ROLL)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Stith seconded by Council Member Clement to find that the property of Edward A. Laster, identified as Tax Map 553-3-8, 601 Orindo Drive, Lot 5B, vacant, has not benefited at this time from the water and sewer lateral improvements and to relieve the water lateral assessment in the amount of \$670.00 and the sewer lateral assessment in the amount of \$779.00 with the provision that a future lateral charge will be due and payable at the prevailing rate should the property receive water and/or sewer service; and

To reconsider the water and sewer lateral assessments against property identified below of Paul D. and Margaret W. Harrison, identified as Tax Map 553-5-1, Robinwood Road and Orindo Drive, vacant, has not benefited at this time from the water and sewer lateral improvements and to relieve the water lateral assessment in the amount of \$670.00 and the sewer lateral assessment in the amount of \$779.00 with the provision that a future lateral charge will be due and payable

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at the prevailing rate should the property receive water and/or sewer service was approved at 8:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 8:50 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk